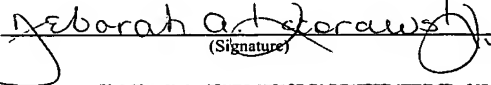




Atty. Dkt. No. 025636-0105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roberts et al.
Title: EVAPORATIVE COOLING
SYSTEM
Appl. No.: 10/611,839
Filing Date: 07/01/2003
Examiner: Bushey, Charles S.
Art Unit: 1724

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 505797072 US (Express Mail Label Number)	September 30, 2004 (Date of Deposit)
Deborah A. Kocorowski (Printed Name)	
 (Signature)	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop **AMENDMENT**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed August 30, 2004, Applicants hereby provisionally elect Group I, Claims 1-5, for examination, with traverse.

The Examiner has required restriction between Claims 1-5 (Group I), drawn to an evaporative cooling system, Claims 6-12 (Group II), drawn to a kit, Claims 13-20 (Group III) drawn to a process and Claims 21-24 (Group IV) drawn to a housing.

Restriction was required because the Examiner thought that:

- As between Groups II and I, the intermediate product is deemed useful as a kit for assembly of a paint spray exhaust scrubber and that the inventions are patentably distinct.

- As between groups III and I, the process claimed can be used to make another and materially different product, such as an exhaust spray cooler without an evaporative pad.
- As between Groups IV and I, the intermediate product is useful as flanged sheets useful for fabricating a residential mailbox and that the inventions are patentably distinct.
- As between Groups III and II, the process can be used to make a materially different product, such as a spray cooler without an evaporative pad.
- As between Groups IV and II, the intermediate product is useful as flayed sheets for fabricating a residential mail box.
- As between Groups III and IV, the product as claimed can be made by a material different process such as not including the step of applying a corrosion resistant coating.

Applicants respectfully disagrees.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent.

Applicants submit the preliminary amendment attached hereto and incorporated herein by this reference. Applicants have amended independent claims 13 and 21 to include limitations of an "evaporative medium pad" and claim 21 to also require a corrosion resistant coating. As amended, Groups III and IV claims do not correspond to the suggested alternatives proposed by the Examiner, specifically, a mail box does not require or use an evaporative medium pad. Therefore, Applicants submit that the claims, as amended can be examined together and efficiently.

Applicants respectfully request the Examiner to substantiate his/her position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and each of Claims 1-24 presently pending in this application be examined.

Respectfully submitted,

Date 09-30-04

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900

By James A. Wilke

James A. Wilke
Attorney for Applicants
Registration No. 34,279